IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

Crl.MC.No. 1809 of 2007()

ST.1729/2006 of CHIEF JUDICIAL MAGISTRATE COURT, KOTTAYAM

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PETITIONER/ACCUSED:

A.T. ELIYAMMA,
KIZHAKKEMURIYIL HOUSE, MANIMALA POST, KOTTAYAM.

BY ADV. SRI.P.KURUVILLA JACOB

RESPONDENTS/COMPLAINANT & STATE:

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1. THE KOTTAYAM GOVT. EMPLOYEES
CO-OPERATIVE BANK LTD. NO.K-47, COLLECTORATE POST,
KOTTAYAM REPRESENTED BY ITS SECRETARY.

2. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. S.U. NAZER

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1809 of 2007

Dated this the 5th day of June 2007

O R D E R

The petitioner, a woman faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. The petitioner received summons to appear. When the petitioner went to court, she found that her case had already been called and a non-bailable warrant of arrest had already been issued against her before she reached the court. She is willing to surrender before the learned Magistrate but apprehends that her application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. She has, hence, come to this court for issue of directions under Section 482 Cr.P.C in her favour to ensure her release on bail on the date of surrender itself.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume

that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs.Deputy Superintendent of Police [2003(1)KLT 339].

3. In the result, this Criminal Miscellaneous Case is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

4. Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007